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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,360	04/20/2005	Pieter Jan Bolt	310.1047	1574
20311 7590 07/21/2008 LUCAS & MERCANTI, LLP 475 PARK AVENUE SOUTH 15TH FLOOR NEW YORK, NY 10016				
EXAMINER				
WOLFE, DEBRA M				
ART UNIT		PAPER NUMBER		
3725				
MAIL DATE		DELIVERY MODE		
07/21/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/532,360

Applicant(s)

BOLT ET AL.

Examiner

DEBRA M. WOLFE

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____



DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 9, 2008 has been entered.

An advisory action was to be mailed prior to July 9, 2008 however the submission on the request for continued examination negated the advisory action. A response to Applicant's arguments filed on May 9, 2008 is attached below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 8-13 are again rejected under 35 U.S.C. 102(b) as being anticipated by Kergen (US Patent # 5,477,723) for the reasons set forth in paragraph 7 of the Office action mailed October 13, 2006.
2. Claims 1-4 and 7-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Hipp et al (De Patent # 4038864 A1). Hipp et al discloses a method of deep drawing a product from a blank in which the blank holding force is regulated by contactless sensor measurement of separation between the downholder (3) and the die ring (2) to prevent or reduce the occurrence of



wrinkles in the blank based on a predetermined thickness trend of the edge of the blank during the deep drawing. With regards to claims 8-13, Hipp et al further discloses an apparatus for deep drawing a product that structurally meets the limitations of the claims [See FIG 1].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-4 and 7 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Andersen (US Patent # 4,316,379) in view of Kergen (US Patent # 5,477,723) for the reasons set forth in the Office action mailed May 10, 2006.
2. Claims 5 and 6 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Andersen (US Patent # 4,316,379) in view of Kergen (US Patent # 5,477,723) as applied to claim 1 above, and further in view of Cao et al for the reasons set forth in paragraph 5 of the Office action mailed May 10, 2006.
3. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hipp et al (DE Patent # 4038864 A1) in view of Cao et al (US Patent # 6,769,208). Hipp discloses the invention substantially as claimed except for wherein the control parameters are determined by testing or simulation. However, Cao et al teaches that testing and simulation of operating parameters are well known techniques for quality control to ensure greater part consistency [See col.4 lines 1-13]. Therefore, it would have been obvious to one of ordinary skill in the art at the



time the invention was made to modify the deep drawing method of Hipp with a test or simulation mode as taught by Cao et al in order to ensure greater consistency during subsequent production.

Response to Arguments

Applicant's arguments filed May 9, 2008 have been fully considered but they are not persuasive. Applicant argues that Kergen does not disclose the predetermined thickness trend of the claimed invention since Kergen does not measure the thickness of the edge. The Examiner directs Applicant's attention to the Kergen column 3 line 62 to column 4 line 7 that states that in order to ensure a strict control of the parameters of the regulating system various measuring sensors are provided, one of these sensors being a displacement sensor that measures the space between the blank-holder and the die (i.e. the thickness of the material (edge) positioned between the blank-holder and die). With regards to Applicant's argument that the Kergen initially provides a high downholder force, Andersen discloses starting the downholder force at a low value and Kergen was only used as a teaching of using contactless sensing of the condition of the blank edge during the drawing operation.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra Wolfe whose telephone number is (571) 272-1904. The examiner can normally be reached Monday - Thursday 7am - 4:30pm with alternating Friday 7am - 3:30pm.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Debra M Wolfe/
Examiner, Art Unit 3725

/Derris H Banks/

Supervisory Patent Examiner, Art Unit 3725